



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

2000-0128

2

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Mr. Paul Gunter

DATE

MAR 09 2000

## PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES **C** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **D** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **C&D** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

## PART I.A -- FEES

- AMOUNT \*  You will be billed by NRC for the amount listed.  None. Minimum fee threshold not met.
- \$  You will receive a refund for the amount listed.  Fees waived.
- \* See comments for details

## PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

## PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed *Carol Ann Reed*

**APPENDIX C  
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	3/1/96	9603200327	Letter to S. Newberry from G. Kobetich, re: Request for Proposed, Threatened, or Endangered Species for the San Onofre Nuclear Station, (15 pgs.).
2.	3/18/96	9603200315	Note to D. Hoover from L. Luther, subject: Document for the PDR - Endangered Species, (1 pg.).
3.	10/21/99	9910270003	Letter to NRC from R. Krieger, subject: Special Report - Unusual Fish Kill, San Onofre, (2 pgs.).

APPENDIX D

RECORDS BEING RELEASED IN THEIR ENTIRETY  
(If copyrighted identify with\*)

NUMBER	DATE	DESCRIPTION/PAGES
1.	8/5/97	Office of Public Affairs Announcement, (1 pg.).



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Field Office  
2730 Loker Avenue West  
Carlsbad, California 92008

March 1, 1996

Mr. Scott Newberry  
Nuclear Regulatory Commission  
Washington D C 20555-0001

Attn: Steve Reynolds

Re: Request for Proposed, Threatened, or Endangered Species for the San Onofre Nuclear Generating Station, San Diego County, California (1-6-96-SP-126)

Dear Mr. Newberry:

The Fish and Wildlife Service (Service) has reviewed the information provided in your letter, dated December 4, 1995, and received by our office January 24, 1996, in an effort to assess the potential for the occurrence of federally listed threatened or endangered species on the project site. In an effort to assist you in evaluating the potential for conflicts between threatened and/or endangered species and the proposed project, we are providing the following list which contain species that occur in the general area. The enclosed list of species partially fulfills the requirements of the Service under section 7 of the Endangered Species Act of 1973, as amended (Act).

Information about marine animals that may occur in the vicinity of the project area may be obtained from the National Marine Fisheries Service (NMFS). Your request has been forward to the local NMFS Office for prompt response. You can contact the NMFS Office at (619) 546-7162, if you have any questions about your request for information.

Your request also stated that you would also like to receive information about formal or informal section 7 consultations completed for the San Onofre Nuclear Generating Station (SONGS). The only formal consultation that has been completed in the last five years was the *San Onofre Sewage Effluent Compliance Project* issued on March 30, 1995 to the U.S. Marine Corps, Camp Pendleton. We have attached a copy of the biological opinion for your review. If you have any questions about this project, please contact James Burns of my office.

Unfortunately, we currently do not have a database that tracks informal consultations issued by our office. Due to time constraints, we were only able to locate one project - *Southern California Edison's SONGS Firing Range*, issued November 15, 1994. We have attached a copy

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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Field Office  
2730 Laker Avenue West  
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March 1, 1996

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Mr. Scott Newberry

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for this document for your review. We will continue to search our records for any information pertaining to your request. We will promptly notify you of any positive results of our efforts.

Section 7(a)(2) of the Act requires a Federal agency, in consultation with, and with the assistance of the Service, to insure that any action it authorizes, funds, or carries out, is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. To meet this requirement, biological assessments are required under section 7 of the Act if listed species or critical habitat may be present in the area affected by any major construction activity<sup>1</sup>. If a biological assessment is not required, your agency still has the responsibility to review its proposed activities and determine whether listed species will be affected. Moreover, "action" means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies. In addition, "action area" means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.

Section 7(d) of the Act prohibits Federal agencies and applicants from making any irreversible or irretrievable commitment of resources which has the effect of foreclosing the formulation or implementation of reasonable and prudent alternatives which would avoid jeopardizing the continued existence of listed species or resulting in the destruction of critical habitat. During the assessment or review process, you may engage in planning efforts, but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act. If a listed species may be adversely affected, agencies should request, in writing through our office, formal consultation pursuant to section 7(a)(2) of the Act. Informal consultation should be used to exchange information and resolve conflicts with respect to listed species prior to a written request for formal consultation.

When it is determined that a proposed action is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat, a Federal agency is required to initiate a conference with the Service. Conferences are informal discussions between the Service and the Federal agency, designed to identify and resolve potential conflicts between an action and proposed species or proposed critical habitat at an early point in the decision making process. The Service makes recommendations, if any, on ways to minimize or avoid adverse effects of the action. The conference process fills the need to alert Federal agencies of possible steps that an agency might take at an early stage to adjust its actions to avoid jeopardizing a proposed species.

We want to closely coordinate with the Federal agency and applicant during the preparation of the biological assessment. Our goal would be to provide technical assistance that identifies specific

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<sup>1</sup> "Construction Activity" means any Federal action which significantly affects the quality of the human environment designed primarily to result in the building or erection of man-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal actions such as permits, grants, licenses, or other forms of Federal authorizations or approvals which may result in construction.

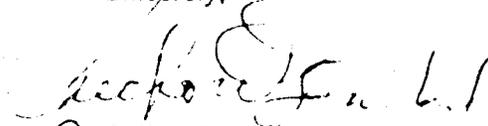
Mr. Scott Newberry

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features that could be incorporated into the project description to avoid adverse impacts to listed species

Should you have any questions regarding the species listed or your responsibilities under the Act, please contact Shawnetta Grandberry or Sandy Vissman of my staff at (619) 431-9440

Sincerely,



Gail C. Kobetich  
Field Supervisor

cc National Marine Fisheries Service, San Diego CA  
Pacific Northwest Laboratory, Richland, WA (Attn Dr. Michael Sackshewsky)  
USFWS, Carlsbad, CA (Attn Sandy Vissman)  
California Department of Fish and Game, San Diego, CA (Attn Bill Tippets)

Listed Endangered, Threatened, Proposed,  
and Candidate Species that May Occur in  
the Area of the San Onofre Nuclear Generating Station,  
San Diego County, California  
1-6-96-SP-126

February 29, 1996

Common Name	Scientific Name	Status
<b>Listed Species</b>		
<b>AMPHIBIANS</b>		
southwestern arroyo toad	<u>Bufo microscaphus californicus</u>	E
<b>BIRDS</b>		
bald eagle	<u>Haliaeetus leucocephalus</u>	E
brown pelican	<u>Pelecanus occidentalis</u>	E
California least tern	<u>Sterna antillarum (=albifrons) browni</u>	E
least Bell's vireo	<u>Vireo bellii pusillus</u>	E
light-footed clapper rail	<u>Rallus longirostris levipes</u>	E
peregrine falcon	<u>Falco peregrinus</u>	E
southwestern willow flycatcher	<u>Empidonax traillii eximius</u>	E
coastal California gnatcatcher	<u>Poliophtila californica californica</u>	T
western snowy plover (coastal population)	<u>Charadrius alexandrinus nivosus</u>	T
<b>CRUSTACEANS</b>		
Riverside fairy shrimp	<u>Streptocephalus wottoni</u>	E
<b>FISH</b>		
tidewater goby	<u>Lucyclogobius newberryi</u>	E

Common Name	Scientific Name	Status
<b>MAMMALS</b>		
pacific pocket mouse	<i>Perognathus longimembris pacificus</i>	E
southern sea otter	<i>Enhydra lutris nereis</i>	T
<b>PLANTS</b>		
salt marsh bird's-beak	<i>Cordylanthus maritimus ssp. maritimus</i>	E
San Diego button celery	<i>Eryngium aristulatum var. parishii</i>	E
California orcutt grass	<i>Orcuttia californica</i>	E
Gambel's watercress	<i>Rorippa gambellii</i>	E

**Proposed Species**

**AMPHIBIANS**

California red-legged frog

*Rana aurora draytonii*

PE

**PLANTS**

coastal dunes milk-vetch  
(rattleweed)

*Astragalus tener var. tili*

PE

Munz's onion

*Allium munzii*

PE

Encinitas baccharis (San  
Diego coyote bush)

*Baccharis yannessae*

PE

thread-leaved brodiaea

*Brodiaea filifolia*

PT

prostrate (sprawling)

*Navarretia fossalis*

PT

navarretia

E: Endangered

T: Threatened

PE: Proposed Endangered



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Field Office  
2730 Loker Avenue West  
Carlsbad, California 92008

November 15, 1994

Kim Gould  
Environmental Services  
Southern California Edison Company  
P.O. Box 800  
2244 Walnut Gove Avenue  
Rosemead, CA 91770

Re: SONGS Firing Range

Dear Ms. Gould:

This responds to your fax correspondence of November 8, 1994 regarding Southern California Edison Company's (SCE) SONGS Firing Range (Project). The U.S. Fish and Wildlife Service (Service) has reviewed SCE's biological assessment (BA) of the Project. If the avoidance and minimization measures as specified in the BA are implemented, along with the following reasonable and prudent measures, then the Service concurs that the Project will not result in "take" of the Federally listed threatened coastal California gnatcatcher.

1. No more than 300 shots per hour shall be allowed.
2. Firing shall occur between the hours of 0700 and 1800 hours only.
3. All exterior lighting resulting directly or indirectly from the Project shall be shielded and directed away from CAGN habitat.
4. If the SONGS firing range is opened up to recreational shooting, then a program designed to monitor the potential effects shall be implemented for a sufficient duration to ascertain the likelihood of any adverse effects on Federally listed wildlife species, during the breeding and nonbreeding seasons.
5. No construction shall occur during the CAGN breeding season, that is between February 1 and July 15; no construction shall occur at night and therefore no night time lighting will be required for construction.
6. Since ground disturbance near natural areas of coastal sage scrub usually results in the propagation of invasive weeds along the "fringe" areas, a program will be implemented to prevent this type of edge effect.
7. Photographs of the Project site and nearby area shall be taken before the beginning of construction and filed with the Service along with USFS

Ms. Kim Gould

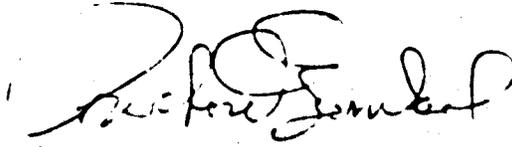
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7.5 minute map of the Project site and delineation of the coastal California gnatcatcher territories.

The use of alternative site #2, along Construction Way (???), would appear to be a less damaging alternative from an environmental perspective in that it would have far less impact on the listed species. In choosing the "preferred" site, SCE is building out to the extreme edge of their jurisdiction and in effect using Camp Pendleton lands as a buffer to their Project rather than opting to assume responsibility and paying an additional \$30,000 to locate the firing range as far away from listed species and natural habitat as possible. By not assuming responsibility for a buffer, SCE is reducing the effective habitat of the coastal California gnatcatcher currently occupying adjacent natural habitat. This sort of action by itself does not result in jeopardizing the survival or recovery of the coastal California gnatcatcher, but it contributes to the pernicious cumulative effects on the species and habitat.

If you have any questions, please contact John Bradley of my staff at (619) 431-9440.

Sincerely,



*Gail C. Kobetich*  
Gail C. Kobetich  
Field Supervisor

1-6-74-1-038

cc: Lupe Arals (Camp Pendleton)  
Slater Buck (Camp Pendleton)  
Fred Worthley (CDFG)  
Larry Eng (CDFG)  
Bill Tippetts (CDFG)

READ



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Field Office  
2750 Loker Avenue West  
Carlsbad, California 92008

March 30, 1995

Lupe Armas, Assistant Chief of Staff  
Environmental Security  
Marine Corps Base Camp Pendleton  
Box 555008  
Camp Pendleton, California 92005-5008

Re: Biological Opinion on the San Onofre Sewage Effluent Compliance Project  
P-527A (1-6-95-F-25)

Dear Mr. Armas:

This Biological Opinion responds to your request for formal consultation with the Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act). At issue are the impacts that the proposed Sewage Treatment Project may have on the federally-listed, threatened coastal California gnatcatcher (Polioptila californica californica) (gnatcatcher).

Impacts to all other listed species including the federally-listed endangered least Bell's vireo (Vireo pusillus bellii), resulting from this project, are being addressed through the Programmatic Consultation for the operation of the Base.

This Biological Opinion was prepared using information, (1) obtained during informal consultation between our staffs; (2) the Draft Environmental Impact Statement (DEIS) for the project; (3) correspondence between our staffs; and (4) contained in our files.

### BIOLOGICAL OPINION

It is the opinion of the Service that the proposed project is not likely to jeopardize the continued existence of the gnatcatcher. No critical habitat has been designated for the gnatcatcher; therefore, none would be adversely modified or destroyed.

### DESCRIPTION OF THE PROPOSED ACTION

The project is proposed to comply with the San Diego Regional Water Quality Control Board's Cease and Desist Orders at sewage treatment plants 10 and 11 on the San Onofre Creek Drainage for violations of Waste Discharge Requirement Orders. In response to these orders the Marine Corps proposes to modify the present treatment methods. This includes a new 5.7 mile long pipeline, one pump station, and 12 percolation basins occupying approximately 10 acres.

Most of the proposed pipeline alignment will be installed beneath Basillone Road. However, 0.3 acres of coastal sage scrub (CSS) occupied by gnatcatchers will be temporarily impacted during the pipeline construction. The Marine Corps Base Camp Pendleton (Base) proposes to minimize impacts on CSS and gnatcatchers by reducing the area of impacts of the pipeline alignment to a width of only 20 feet in areas of sensitive habitats and clearly marking all boundaries of disturbance to avoid any undisclosed destruction of habitat. The percolation ponds will permanently impact 3.5 acres of disturbed CSS. A more detailed description of the project is contained in the DEIS.

#### EFFECTS OF THE PROPOSED ACTION ON THE LISTED SPECIES

##### Species Account

##### Coastal California Gnatcatcher

The coastal California gnatcatcher is a recognized subspecies of the California gnatcatcher (*Polioptila californica* [Brewster]) and is endemic to coastal southern California and northwestern Baja California, Mexico (American Ornithologists' Union 1983, 1989: 535; Atwood 1980, 1983, 1990, 1991).

Primarily because of substantial recent reductions in the habitat and range of the species, and the inadequacy of existing regulations, the Service listed the gnatcatcher as a threatened species (58 FR: 16742-16757, March 30, 1993). Pursuant to section 4(d) of the Act, the Service promulgated a special rule to authorize incidental take of the gnatcatcher in conjunction with an approved plan under California's Natural Community Conservation Plan program (NCCP). An NCCP plan for this subregion is currently being formulated by local non-federal jurisdictions.

The gnatcatcher, a small, gray songbird, is an obligate resident of coastal sage scrub dominated plant communities from Los Angeles County generally south along the coast to the United States-Mexico border, south into Baja California, Mexico (Grinnell and Miller 1944, Garrett and Dunn 1981). Typical coastal sage scrub habitat constituents are relatively low-growing, drought-deciduous, and succulent plant species. Representative plant taxa in this plant community include coastal sagebrush (*Artemisia californica*), several species of sage (*Salvia* spp.), California buckwheat (*Eriogonum fasciculatum*), California encelia (*Encelia californica*), various species of cactus and cholla (*Quercus* spp.), and several species of *Haplophragma* (Munz 1974, Kirkpatrick and Hutchinson 1980). Of the 11 subassociations of coastal sage scrub identified by Kirkpatrick and Hutchinson (1977), the gnatcatcher typically occupies only three. The appropriate habitat type, however, apparently occurs in patchy or mosaic distribution. The distribution and size of these patches of suitable habitat varies throughout the range of the species, and from year to year, due to the expressed effects of a variety of variables.

The gnatcatcher is primarily insectivorous and defends breeding territories ranging in size from approximately 2 to 40 acres (Atwood 1990). Atwood's comprehensive studies (1988-1991) and status review (1990) further reveal that the breeding season of the species extends from February through July, and often peaks in April. However, substantial data exist indicating that

fledging can successfully occur into August. Juveniles associate with their parents for several weeks or even months after fledging.

Although considered locally common fewer than 50 years ago (Grinnell and Miller, 1944), Atwood (1990, 1992) and Michael Brandman Associates (1991) concluded that the current United States population is almost certainly less than 2,300 pairs. Based on information received after the proposed rule was published the Service estimates that about 2,562 pairs remain in the U.S.. Although the documented decline of the gnatcatcher undoubtedly is the result of numerous factors, including nest depredation and brood parasitism by the essentially non-native brown-headed cowbird (Molothrus ater), habitat destruction, fragmentation, and modification are the principal reasons for the gnatcatcher's decline. An estimated 90 percent of the historic acreage of coastal sage scrub vegetation has been lost as a result of development and land conversion (see Westman 1981a, 1981b, Barbour and Major 1977), leaving coastal sage scrub as one of the most depleted habitat types in the United States (Kirkpatrick and Hutchinson 1977, Axelrod 1978, Klopatek et al. 1979, Westman 1987, O'Leary 1990).

#### Analysis of Impacts

##### Coastal California Gnatcatcher

As many as 10 breeding pairs of gnatcatchers were found to occur within the vicinity of the pipeline alignment during surveys in 1994. No gnatcatchers were observed in the acreage of disturbed CSS at the percolation pond site.

Implementation of the pipeline portion of the proposed project would temporarily and directly impact gnatcatchers and coastal sage habitat in the vicinity of the work area. Operation of earthmoving equipment near, but not within, sage scrub habitat used by gnatcatchers could cause breeding failure and nest abandonment due to excessive noise and vibration, heavy equipment traffic, and fugitive dust. The latter impact would likely last for the duration of construction in the particular locality. These effects could be reduced if all construction in the vicinity of gnatcatcher habitat occur outside the breeding season for the bird (February 1 to July 30). There would also be the temporary loss of 0.3 acres of occupied gnatcatcher habitat. Destruction of gnatcatcher occupied sage scrub habitat to accomplish the pipeline construction may result in actual death or injury of individuals, particularly if gnatcatchers are nesting in this portion of habitat. Again, any actual habitat removal should occur outside of the breeding season for the gnatcatcher.

The permanent loss of 3.5 acres of disturbed CSS, though unoccupied, still represents a loss of sensitive habitat with enhancement potential.

These actions shall not preclude any significant habitat linkage between large patches of habitat nor preclude the development of a relatively large and contiguous block of habitat for future preservation. Accordingly the impacts described above will not jeopardize the continued existence of the coastal California gnatcatcher.

### CUMULATIVE EFFECTS

Cumulative effects are those impacts of future non-Federal (State, local government, or private) activities on endangered or threatened species or critical habitat that are reasonably certain to occur during the course of the Federal activity subject to consultation. Future Federal actions are subject to the consultation requirements established in section 7 of the Act and, therefore, are not considered cumulative in the proposed project.

The large majority of activities anticipated to affect this species within the foreseeable future are local urban development projects with no Federal involvement. Other projects could result in significant cumulative effects to the species. However, section 9 of the Act prohibits the unlawful "take" (e.g., harm, harass) of the gnatcatcher. With the exception of illegal take, no additional loss of occupied habitat resulting from non-federal actions is anticipated unless and until authorized pursuant to section 10(a) of the Act.

### INCIDENTAL TAKE

Section 9 of the Act prohibits the take of listed species without special exemption. Taking is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Under the terms of section 7(b)(4) and 7(o)(2) of the Act, taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with this Incidental Take statement. The terms and conditions described below are nondiscretionary, and must be undertaken by the agency or made a binding condition of any grant or permit, as appropriate.

It is difficult to precisely predict the amount of incidental take of gnatcatchers that would be associated with the referenced project, for the following reasons:

- The number and location of animals will vary from season to season.
- The precise effects on breeding territories near the edge of the grading area are not known.
- The precise effects of noise and other disturbance on breeding territories outside the area of direct effect, but within the area affected by noise from construction, can only be estimated.

However, based on information used in compiling this BO, the Service anticipates that the following forms and functions of take of the gnatcatcher may occur as a result of the proposed action:

One (1) pair of gnatcatchers, in the form of harassment only, due to the direct loss (actual removal) of 0.3 acres of gnatcatcher habitat.

If, during the course of the action, the amount or extent of the incidental take limit is reached, the Marine Corps shall immediately notify the Service in writing. If the incidental take limit is exceeded, the Marine Corps must immediately cease the activity resulting in the take, and reinitiate consultation with the Service to avoid further violation of section 9 of the Act pursuant to 50 CFR 402.14(i).

#### Reasonable and Prudent Measures

The following Reasonable and Prudent Measures are necessary and appropriate to minimize incidental take.

1. Impacts to gnatcatchers and their habitats shall be avoided, minimized, and offset by the restoration, preservation, management, and enhancement of adjacent habitat to reduce the amount and extent of take.
2. The Base shall minimize the take of gnatcatchers through minimizing the loss and perturbation of their habitats by providing mitigation as described, implied, or suggested in the EIS and appendices and all other relevant letters and documents.

#### Terms and Conditions

To be exempt from the prohibitions of section 9 of the Act, the Base is responsible for compliance with the following terms and conditions, which implement the reasonable and prudent measures described above. Compliance with these terms and conditions are mandatory and must be included as part of the proposed project.

These Terms and Conditions are as follows:

1. The Base shall ensure that the mitigation measures as described, implied, or suggested under numbers 2 through 7 below and as set forth in the DEIS are fully executed.
2. The take of gnatcatchers through habitat loss and/or degradation shall be minimized and avoided during construction, including the operation of construction equipment, by ensuring that all work that may impact directly or indirectly occur outside of the breeding season for the gnatcatcher (February to July 30) to assure that no unauthorized take occurs.
3. All areas of habitat dedicated to project construction shall be clearly marked, fenced, or similarly marked prior to the beginning of construction, to avoid undisclosed and unmitigated impacts, along with reinitiation of consultation. The pipeline alignment shall be limited to a width of 20 feet in areas of sensitive habitat. All construction personnel shall be thoroughly briefed and instructed by a qualified biologist as in the appendices and

No construction level project description has yet been prepared, particularly regarding location of construction staging areas and heavy equipment travel corridors that may be contemplated outside the grading and

construction footprint. It is assumed that there will be no gnatcatcher habitat loss or degradation outside of the project boundaries resulting from such activities.

5. The Base shall revegetate temporary impacts to the 0.3 acres of occupied gnatcatcher habitat at a 2:1 ratio and control exotics as necessary.
6. The permanent loss of 3.5 acres of disturbed CSS will be mitigated for by revegetating an 2.85 acre disturbed area with long term viability potential with seed mixes containing only native coastal sage scrub species endemic to the project area. It shall be weeded to remove exotics.
7. The Base shall ensure that a qualified (permitted by the Service and CDFG) biologist be on-site during habitat clearing to monitor impacts and insure against unauthorized habitat loss. The monitor shall flush coastal California gnatcatchers out of the impact area where activities are likely to injure or kill the coastal California gnatcatchers during clearing of habitat.

#### Disposition of Sick, Injured, or Dead Specimens

The Service's Carlsbad Office is to be notified within three working days should any listed species be found dead or injured during this program. Notification must include the date, time, and location of the carcass, and any other pertinent information. Dead animals may be marked in an appropriate manner, photographed, and left on-site. Injured animals should be transported to a qualified veterinarian. Should any treated animals survive, the Service should be contacted regarding the final disposition of the animals. The Service contact person is James Burns and may be contacted at the letterhead address or at (619) 431-9440.

#### CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act mandates Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information. The recommendations provided here relate only to the proposed action and do not represent complete fulfillment of the agency's (a)(1) responsibility for these species.

To mitigate impacts to the 1.5 acres of Valley Needlegrass Grassland that will result from this project to below a level of significance per NEPA, the Base should provide for the revegetation and restoration of this habitat at a 2:1 ratio and protect the habitat in perpetuity.

The Service requests notification of the implementation of any conservation recommendations to be kept informed of actions that either minimize or avoid adverse effects or that benefit listed species or their habitats.

Lupe Armas (1-6-95-F-25)

CONCLUSION

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This concludes formal consultation on the San Onofre Sewage Effluent Project. As required by 50 CFR 402.16, reinitiation of formal consultation is required if the action is significantly modified in a manner not discussed above, if new information becomes available on listed species or impacts to listed species, or if the incidental take limit is exceeded. We would appreciate notification of your final decision on this matter. Any questions or comments should be directed to James Burns of my staff at (619) 431-9440.

Sincerely,



Gail C. Kobetich  
Field Supervisor

Literature Cited and References

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March 18, 1996

NOTE TO: Doris J. Hoover  
Document Liaison Officer

FROM: Linda Luther *LJ*  
Licensing Assistant  
License Renewal and Environmental  
Review Branch, DPOM, NRR

SUBJECT: DOCUMENT FOR THE PDR - ENDANGERED SPECIES

I am attaching a letter (w/enclosures) to Scott Newberry (ATTN: Steve Reynolds) from Gail C. Kobetich from the Department of Interior, Fish and Wildlife Service, dated March 1, 1996, regarding a request for proposed, threatened, or endangered species for the San Onofre Nuclear Generating Station. Please ensure that this letter (w/enclosures) are sent to the Public Document Room under endangered species.

Attachment w/encls.: As stated

cc: S. Newberry  
F. Akstulewicz  
S. Reynolds

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PDR

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October 21, 1999

U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555

Subject: Docket No. 50-361  
Special Report – Unusual Fish Kill  
San Onofre Nuclear Generating Station, Unit 2

Gentlemen:

In accordance with Technical Specification, Appendix B, Section 4.1, of Facility Operating License No. NPF-10 for San Onofre Nuclear Generating Station, Unit 2, this letter provides the required written report for an occurrence of an "unusual fish kill". As required by this License Condition, SCE provided a phone report to the NRC on September 25, 1999 at 0941 PDT (NRC Log No. 36230).

Because San Onofre uses the Pacific Ocean for its ultimate heat sink, SCE periodically raises the temperature (heat treat) of the intake structure to limit biological fouling. Typically, the increased temperature in the intake structure forebay encourages fish to enter an elevator, which lifts them out of the forebay and returns them to the ocean. This has proven to be an effective means of removing fish that would otherwise be killed by the heat treatment. Generally, a heat treat results in the loss of less than 1000 pounds of fish.

From about 2010 PDT Friday, September 24, 1999 until about 0030 PDT Saturday, September 25, SCE was performing a heat treat of the Unit 2 intake structure. At about 0224 PDT, an unusual fish kill was discovered (about 4800 pounds) that consisted predominately of yellow fin croaker.

The following factors contributed to this occurrence:

1. At this time of year, yellow fin croakers are inclined to be more abundant and move toward shore due to breeding conditions, and
2. The intermediate temperature plateau during the fish chase should have been held longer prior to increasing to the final fish chase target temperature.

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PDR

P. O. Box 128  
San Clemente, CA 92674-0128  
949-368-6255  
Fax 949-368-6185

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Document Control Desk

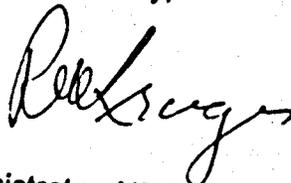
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October 21, 1999

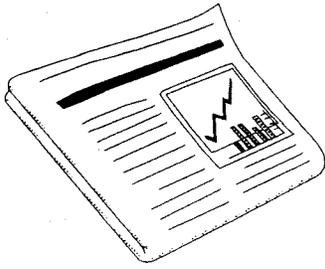
In response to this occurrence, SCE is modifying the heat treat process to reduce the possibility of an "unusual fish kill." SCE is continuing to evaluate this event. Any additional required actions will be implemented through SCE's corrective actions program.

The above data will be included in the Marine Environmental Analysis and Interpretation Report.

Sincerely,



cc: E. W Merschoff, Regional Administrator, NRC Region IV  
J. A. Sloan, NRC Senior Resident Inspector, San Onofre Units 2 and 3  
L. Raghavan, NRC Project Manager, San Onofre Units 2 and 3  
Institute of Nuclear Power Operations (INPO)



## Office of Public Affairs

In the News Today...

August 5, 1997

Industries are no longer presenting a united front in opposition to curbs on greenhouse gases. British Petroleum's chairman recently said in a speech that his company now believes global warming warrants attention, and several other American corporate executives met yesterday with President Clinton to discuss the matter. The New York Times, (p. A1), 8/5.

NRC's Midwest regional administrator has asked Commonwealth Edison executives to meet with him and his staff to discuss the growing number of allegations at the Zion nuclear power plant. In a letter to the company, he noted that NRC has received at least 15 allegations of discrimination from Zion this calendar year, as compared with none the previous two years. Chicago Sun-Times, 8/5.

NRC has proposed a \$110,000 fine against Illinois Power Co. for failing to correct maintenance problems at the Clinton station in downstate Illinois. Chicago Tribune, 8/5.

United Nations and other relief officials who have visited North Korea report that a drought there may be pushing millions to the brink of starvation. Separately, it is reported that direct phone service has opened between South Korea and a nuclear power plant construction site in North Korea. A groundbreaking ceremony for the project is expected to take place next week. The New York Times, (p. A1), 8/5; Kyodo News Service, 8/4.

WISCASSET, MAINE — Business leaders see a bleak picture in the months ahead with the permanent shutdown of the Maine Yankee nuclear power plant. A state senator said this development makes the area a top candidate for state aid to economically depressed regions. Portland Press Herald, 8/5.

SAN ONOFRE, CALIF. — Increasing numbers of seals and sea lions are being sucked into sea water intakes at the San Onofre nuclear power plant on the Pacific coast. Workers last year removed 23 such dead animals and captured 12 live ones and returned them to the sea, an increase over the 1995 toll. North County Times (Oceanside, Calif.), (p. A1), 8/3.

SAN LUIS OBISPO, CALIF. — Both Pacific Gas and Electric Co. (PG&E) and the Mothers for Peace, usually adversaries on most questions, have asked the California Public Utilities Commission to disband the Diablo Canyon Independent Safety Committee, which costs \$650,000 a year to run. The utility says it isn't needed,

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